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Claim of the State of Texas for Defense of the Frontier

PAPERS AND LETTERS RELATIVE TO
ADDITIONAL CLAIM OF THE

STATE OF TEXAS

FOR REIMBURSEMENT OF MONIES EXPENDED
IN FRONTIER DEFENSE IN
1856 and 1860-61



PRESENTED BY MR. CULBERSON

JULY 17, 1911. Referred to the Committee on Appropriations and
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Additional claim of the State of Texas for reimbursement of moneys expended in frontier defense in 1856 and 1860-61.

On February 1, 1905, Mr. Culberson, in the Senate, submitted an amendment to the general deficiency appropriation bill, which was adopted, providing:

The Secretary of War is hereby directed to inquire and report to Congress for its consideration what sum or sums of money were actually expended by the State of Texas during the period of time between February twenty-eighth, eighteen hundred and fifty-five, and June twenty-first, eighteen hundred and sixty, in payment of State volunteers or rangers called into service by authority of the governor of Texas, in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States.

In compliance with this provision of the act, on January 27, 1906, the Secretary of War sent to the Senate a report (S. Doc. No. 169, 59th Cong., 1st sess.) of the result of his investigations, which disclosed that the amount of money actually expended by the State, as shown by vouchers presented by the State authorities, between the dates named in Mr. Culberson's amendment was \$375,418.94; and that additional sums were expended by the State for like purposes subsequent to June 21, 1860, aggregating \$21,395.95. In conformity with this report, the general deficiency appropriation bill (59th Cong., 1st sess.), approved June 30, 1906, carried the following:

PAYMENT TO TEXAS.—To reimburse the State of Texas, in full settlement of all claims of any nature whatever on account of moneys actually expended by that State during the period of time between February twenty-eighth, eighteen hundred and fifty-five, and June twenty-first, eighteen hundred and sixty, in payment of State volunteers or rangers called into service by authority of the governor of Texas, in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States, as ascertained under the act of Congress approved March third, nineteen hundred and five, and certified in Senate Document numbered one hundred and sixty-nine of this session, three hundred and seventy-five thousand four hundred and eighteen dollars and ninety-four cents.

Thereafter, in 1908, Congress made a further appropriation to cover the additional amount of \$21,395.95 theretofore reported by the Secretary of War to have been expended by the State of Texas for frontier defense subsequent to June 24, 1860.

Apparently these two appropriations covered all valid existing claims of the State of Texas. It should be here particularly noted, however, that at page 32 of the report of the Secretary of War (S. Doc. No. 169) it is recited that \$198,573.26 of the \$300,000 appropriation made by the Legislature of Texas for frontier defense on February 3, 1860, *was unexpended*.

It now appears conclusively that in the latter part of 1908, and subsequent to the appropriations by Congress of 1906 and 1908 heretofore recited, an old military ledger was discovered in the comptroller's office of the State of Texas, which discloses that of this supposedly unexpended balance of \$198,573.26, as a matter of fact the sum of \$179,434.17 *was expended* by the State of Texas in frontier defense between June 6, 1860, and March 4, 1861, and that each item of this expenditure is fully *attested by an original voucher*.

In addition to this, it is claimed and shown by the State that the further sum of \$3,646.60, appropriated by the legislature in January, 1857, for pay of companies of minutemen commanded by Capts. John W. Sansom, J. M. Davenport, and R. W. Black, was inadvertently omitted from the proofs of claims presented to the Secretary of War in 1905, and that this amount should be refunded.

The failure of the State authorities to present the larger claim for \$179,434.17 accruing June 6, 1860, to March 4, 1861, is fully explained by the entire lack of knowledge of the existence of the old military ledger and vouchers showing its expenditure. This want of knowledge is easily accounted for, when the total destruction of the State capitol by fire, November 9, 1881, is recalled. In that fire many of the books and records of the several State departments were destroyed, many of them were lost, and those preserved were so inextricably jumbled together and damaged by fire and water, that for many years it seemed an almost hopeless undertaking to put them in order; and even yet the work has not been wholly completed.

The failure to present the smaller claim is ascribed wholly to inadvertence; and this must be so, since cognizance of the claim, or at least of the existence of the companies of minutemen on whose account it is made, appears in a letter of the Secretary of War of January 19, 1878 (p. 20, S. Ex. Doc. No. 19, 45th Cong., 2d sess.), and it is not included in either of the appropriations of 1906 and 1908, as is shown by reference to Senate Document No. 169, ante.

The following letter from the governor of Texas, with accompanying papers, show the character and history of the claim somewhat in detail:

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, July 6, 1911.

Hon. CHAS. A. CULBERSON,
United States Senate, Washington, D. C.

DEAR SENATOR: I am handing you herewith a report to me by Capt. E. M. Phelps, concerning claim of the State of Texas against the United States for \$179,434.17, which was disbursed in the payment of the State troops by the State of Texas in the defense of her frontier during the latter part of the year 1859 and the first part of 1860 against Indian and Mexican marauders. Capt. Phelps's report to me explains the matter concisely and fully.

In addition to the sum already mentioned the United States Government is due the State of Texas some \$3,646.60 expended under an act of the Texas Legislature passed in January, 1857, for the payment of three companies of minutemen, commanded by Capts. John W. Sansom, J. M. Davenport, and R. W. Black, making a total due by the United States Government on said claim of \$183,080.77, with interest from the time Texas made the payment.

I also hand you a copy of circular issued by the Texas adjutant general's department quoting the act of Congress of May 30, 1909, extending the benefits of pensions to those engaged in the defense of the frontier of the State of Texas against Indian and Mexican marauders. Attached you will find an act of the Texas Legislature, approved February 3, 1860, another act approved January 2, 1860, and a third act approved February 14, 1860, under which the State of Texas expended these moneys.

I am sending you this data and information with request that you prepare a bill and introduce it in the Senate providing for the refund of these amounts to Texas. The passage of such an act will also entitle those who gave their services to the State in defending her frontier against Mexican marauders and Indians an opportunity to draw the pensions to which they are entitled.

Any further information which you may deem necessary will be furnished you upon request. I feel sure there can be no valid or substantial objection on the part of anyone to the payment of this money.

Yours, truly,

O. B. COLQUITT,
Governor.

AUSTIN, TEX., *June 12, 1911.*

Hon. O. B. COLQUITT,
Governor of Texas, Austin.

DEAR SIR: By your direction, I have the honor to submit the following statement in regard to an unsettled claim of the State of Texas against the United States, for pay of troops in defense of her frontier during the latter part of the year 1859 and the first part of 1860, against Indians and Mexican marauders.

HISTORY OF THE NEW CLAIM.

The Eighth Legislature of Texas, on February 3, 1860, made an appropriation of \$300,000 for pay and maintenance of State troops then in the service on the west and north frontiers under the command of Col. M. T. Johnson and Maj. John S. Ford on the lower Rio Grande against Mexican marauders under Cortina, a Mexican outlaw, and there was paid out of said appropriation for the maintenance and equipment of the troops serving under Col. Johnson and Maj. Ford, and to other ranging companies called into service by Gov. Sam Houston, the sum of \$101,416.74, being the amount of the refund made by the Federal Congress in 1906-1908, from said appropriation of \$300,000 as determined in the report made to Congress by the Secretary of War, in answer to the inquiry directed to him by the act of March 3, 1905:

What sum or sums of money were actually expended by the State of Texas during the period of time between February twenty-eighth, eighteen hundred and fifty-five, and June twenty-first, eighteen hundred and sixty, in payment of State volunteers or rangers called into service by authority of the governor of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States.

From the above it is found that there was an unexpended balance of said appropriation of \$198,573.26, which was transferred to military

ledger on or about June 1, 1860, and was paid out under resolution of the Eighth Legislature of Texas to the organizations hereinafter named, viz:

June 6, 1860, to Sept. 30, 1860.....	\$61,512.86
Oct. 1, 1860, to Oct. 31, 1860.....	1,640.13
Nov. 1, 1860, to Mar. 4, 1861.....	116,281.18
Total	179,434.17

The above is the amount covered by 10 per cent warrants issued by the comptroller of the State of Texas, with the approval of the governor.

FRONTIER DEFENSE AGAINST INDIANS.

For pay, etc., of the following organizations from June 6, 1860, to March 4, 1861, as shown by said military ledger and original vouchers for each warrant:

Indian depredations: Capt. W. C. Dalrymple's company, Lieut. Dixon Walker's company, Capt. J. C. Conner's company, Capt. Ed. Burleson's company, Capt. T. J. Johnson's company, Capt. N. H. Darnell's company, Capt. W. M. Wood's company, Capt. G. S. Fitzhugh's company, Capt. L. S. Ross's company, Lieut. A. B. Burleson's company, Capt. W. H. Berry's company, Capt. William Fitzhugh's company, Lieut. Salmon's company, Lieut. Ballintyne's company.

Cortina War: Capt. John S. Ford's company, Capt. John Littleton's company, Capt. W. D. Herron's company, Capt. Jo. Tumbblin's company, Capt. William Tobin's company.

The officers and men serving on the frontier against Indians and on the lower Rio Grande against Mexican marauders received no pay from the State for the period of service in 1859-60, other than that shown by the military ledger heretofore referred to, which discloses the fact as to what payment was made, each item being fully attested by an original voucher.

This new claim of the State of Texas was not known at the time the one for \$396,814.89 was refunded by the United States, but was discovered later among old archives on file in the department of the comptroller of public accounts of this State, in September, 1908.

The Commissioner of Pensions for the United States was advised on September 10, 1908, of the discovery of this ledger and vouchers pertaining thereto, as it was believed that many applicants for pensions under act of Congress, approved May 30, 1908, would, with this proof of payment, be eligible. Acting on request made in letter of September 10, 1908, the Commissioner of Pensions sent Mr. Charles G. Townsend, of his department, to Austin to make a special examination of said ledger and vouchers, in order to ascertain the eligibility of certain applicants under said act of Congress. Mr. Townsend spent about two weeks in the adjutant general's office and made a thorough examination, and found that the payments as shown by the said ledger constituted a new claim against the United States, as it clearly appeared that no part thereof had ever been refunded by the United States; and as the State of Texas had never been reimbursed therefor, the surviving officers and enlisted men and surviving widows would not be eligible under said act until the State of Texas is reimbursed.

In the event this claim is refunded, some 200 or more survivors will, under the ruling of the Commissioner of Pensions, become eligible under the present act of Congress, as the records will then show required reimbursement, and secure pensions to many old rangers and their surviving wives, who are shown to have been paid by the State of Texas for service in the latter part of 1859 and first part of 1860.

The payments made to officers and enlisted men of organizations, heretofore referred to, was through the determined effort of Gov. Sam Houston, who secured the passage of the appropriation of \$300,000, and of the resolution providing for their pay in 10 per cent warrants.

THE EMERGENCY FOR THE CALL.

The conditions existing on the western and northern frontiers in 1859, owing to the unchecked depredations of Indians, created an emergency and was met by Gov. Houston, immediately after being inducted into office, by a call for troops and the organization of a regiment for frontier defense. At the same time Juan Cortina, a Mexican outlaw, invaded Texas with a large force for the purpose of wholesale robbery and murder. Volunteers were hastily raised in southwest Texas, and Cortina, after a bloody engagement near Roma, Mexico, was driven across the Rio Grande with a loss of 125 men.

The facts, which are historical, demonstrated the urgent necessity for both calls of Gov. Houston for the defense of the frontier against Indians and Mexican marauders, and his insistence for the pay of the troops who had, inspired by patriotic motives, responded to the call of their State in the hour of need.

THE CLAIM IS JUST.

Referring to House concurrent resolution 32, will submit that the present claim was not discovered until September, 1908, and was unknown at the time of the refund of the claim for \$396,814.89, for frontier defense, which was submitted under a resolution of Congress, heretofore quoted, to the Secretary of War in January, 1905, and that the best evidence of the validity of the claim is attested by original records and vouchers for every item of payment amounting to \$179,434.17, paid in State warrants, bearing 10 per cent interest, by virtue of authority conferred by an act of the Eighth Legislature of Texas, approved February 14, 1860, and the further sum of \$3,646.60, under act of January, 1857, for pay of those companies of minute men commanded by Capts. John W. Sansom, J. M. Davenport, and R. W. Black, which was inadvertently omitted from the refunded claim as presented to the Secretary of War in January, 1905, which makes the total amount still due the State of Texas for the protection of her frontier against Indians and Mexican marauders to March 4, 1861, \$183,080.77.

In order to substantiate the facts alleged in the foregoing statement, reference is made to the following acts of the Eighth Legislature: An act for the protection of the frontier, page 13; an act making appropriation for the protection of the frontier, page 38; joint resolution approved November 18, 1859, page 140; reports of Col. M. T. Johnson, Maj. John S. Ford, and Capt. L. S. Ross.

These reports cover service on the west and northern frontier and in the Cortina War, and are important in showing actual service in the field. The reports of Maj. John S. Ford and Capt. L. S. Ross are of historical interest. Maj. Ford reports a battle with Cortina and Capt. Ross gives a graphic description of the capture of Cynthia Parker and her son, Quinab. Also reference is made to a circular of 1909 in regard to pensions under act of Congress approved May 30, 1908.

In conclusion, Governor, I will state that I have made this report as brief as possible, believing that any explanations necessary could be made personally, I have the honor to be,

Yours, very respectfully,

E. M. PHELPS, *State Agent.*

[Circular No. 3.]

ADJUTANT GENERAL'S DEPARTMENT,
Austin, Tex., June 8, 1909.

IMPORTANT.

The circular of August 9, 1908, as amended, relative to pensions for State troops or rangers, provided for under the act of Congress, approved May 30, 1908, to include a list of companies who were paid during the latter part of 1859 and the first part of 1860, discovered in an old military ledger during the month of September, 1908, is republished and amended to read as follows:

ACT OF CONGRESS, APPROVED MAY 30, 1908.

AN ACT Pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from eighteen hundred and fifty-five to eighteen hundred and sixty, inclusive, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions, limitations, and benefits of an act entitled "An act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended from the date of the passage of this act to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year eighteen hundred and fifty-five to the year eighteen hundred and sixty, inclusive; and also to include the surviving widows of such of said officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in the service mentioned in this act the fact of reimbursement to Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this act and pension attorneys and claim agents are hereby declared null and void.

Approved May 30, 1908.

The above act extending the provisions of the act of July 27, 1892 (a law pensioning survivors of the various Indian wars), to certain Texas Rangers who served on the frontier of that State during the years 1855 to 1860, applies to the following companies, whose men and their widows may be entitled to the benefits of this act. Under the terms of this new law, and former pension laws, the surviving officers and enlisted men, and the surviving widows of officers and enlisted men of the following-named Texas Ranger companies, may, by conforming to all requirements of the Pension Bureau, receive pensions:

Capt. G. S. Bogess, 87 men; mustered in December 23, 1854; mustered out March 22, 1855.

Capt. John G. Walker, 84 men; mustered in December 1, 1854; mustered out March 31, 1855.

Capt. William R. Henry, 86 men; mustered in December 14, 1854; mustered out March 31, 1855.

Capt. William Fitzhugh, 84 men; mustered in December 24, 1854; mustered out March 23, 1855.

Capt. Charles E. Travis, 80 men; mustered in December 1, 1854; mustered out April 1, 1855.

Capt. P. H. Rogers, 78 men; mustered in December 22, 1854; mustered out March 21, 1855.

J. H. Callahan, captain; Ed Burleson, first lieutenant; William Kyle, second lieutenant; 88 men; mustered in July 20, 1855; mustered out October 19, 1855.

Nat Benton, captain; H. B. King, first lieutenant; Chas. A. Read, second lieutenant; 26 men; mustered in September 15, 1855; mustered out October 15, 1855.

William R. Henry, captain; Houston Tom, first lieutenant; 36 men; mustered in September 15, 1855; mustered out October 15, 1855.

William Tom, captain; Robt. E. Jones, first lieutenant; W. M. Rust, second lieutenant; 88 men; mustered in October 18, 1855; mustered out November 15, 1855.

Wm. G. Tobin, captain; 28 men; mustered in October 12, 1855; mustered out November 15, 1855.

Levi English, captain; Joel M. Walker, second lieutenant; 56 men; mustered in August 6, 1855; mustered out November —, 1855.

J. W. Sansom, captain; 14 men; mustered in April 16, 1856; mustered out July 16, 1856.

J. M. Davenport, captain; Jos. G. Brown, lieutenant; 37 men; mustered in March 13, 1856; mustered out June 1, 1857.

R. W. Black, captain; James Moseley, lieutenant; 30 men; mustered in January 1, 1856; mustered out December 31, 1856.

Thomas K. Carmack, 20 men; mustered in December 14, 1857; mustered out March 14, 1858.

John H. Conner, 31 men; mustered in December 2, 1857; mustered out March 2, 1858.

John S. Hodges, 20 men; mustered in December 14, 1857; mustered out March 14, 1858.

T. C. Frost, 20 men; mustered in December 21, 1857; mustered out March 21, 1858.

John S. Ford, captain; Ed Burleson, first lieutenant; A. Nelson, second lieutenant; W. A. Pitts, second lieutenant; J. H. Tankersley, lieutenant; 135 men; mustered in January 10, 1858; mustered out August 10, 1858.

John Williams, captain; D. C. Cowan, lieutenant; 20 men; mustered in May 24, 1858; mustered out July 24, 1858.

William G. Preston, captain; 24 men; mustered in April 20, 1858; mustered out June 30, 1858.

W. N. P. Marlin, captain; 34 men; mustered in July 15, 1858; mustered out November 15, 1858.

Ed Burleson, captain; J. E. McCord, first lieutenant; James Carson, second lieutenant; J. G. Barbee, surgeon; 75 men; mustered in, between January 1 and June 1, 1860; mustered out, September 7, 1860.

John S. Ford, captain; J. R. Gibbons, lieutenant; Aaron Burleson, lieutenant; 87 men; mustered in, November 10, 1858; mustered out, May 10, 1859.

W. N. P. Marlin, lieutenant; 22 men; mustered in, February 24, 1859; mustered out, April 4, 1859.

J. H. Brown, captain; J. W. Nowlin, first lieutenant; J. Y. Carmack, second lieutenant; W. H. White, first lieutenant; J. D. Bell, second lieutenant; H. Bradford, surgeon; W. E. Oakes, surgeon; 77 men; mustered in June 28, 1859; mustered out September 12, 1859.

The following is a list of certain volunteer companies which operated against Cortinas in November and December, 1859, and about which there is no record of when they were mustered in and out of service: Capt. Tobin's company, 65 men; Capt. Tomlinson's company, 35 men; Capt. J. H. Hampton's company, 20 men; Capt. Kennedy's, Capt. Thompson's, Capt. Littleton's, and one company in addition to the above, called the "Indianola company."

The muster and pay rolls as set forth in paragraph 1 are on file in the War Department, having been originally placed there as a part of the claim of the State of Texas for the refund of money expended for the defense of her frontier between the years 1855 and 1860. The following additional rolls, 14 in number, have been forwarded to the Chief, Pension and Record Office, Washington, D. C., and will be placed on file in the Pension Department:

John Williams's company, 113 men. Original roll Capt. John Williams's second company of Texas Rangers, September 29, 1858.

Peter Tomlinson's company, 46 men. Original letter from Capt. Peter Tomlinson to Gov. Sam Houston, and accompanying petition showing names of the members of the company commanded by Capt. Tomlinson, January 12, 1860.

Lieut. John Scanland's company, 16 men. Original muster roll of Montague County Minute Men, company of Texas Rangers. Called into service by Gen. Sam Houston, April 7, 1860, for six months, unless sooner discharged.

Walker's Mounted Rifles, 50 men; Lovenskiold's Company Mounted Rifles. Original certificate showing place and time of the organization of Walker's Mounted Rifles and the officers and members belonging to same. Certificate under oath of commanding officer of organization, etc. Filed for record November 25, A. D. 1859, at 12 o'clock m., Reuben Halbein, clerk, C. C., N. C.

Lieut. Ballentyne's detachment minute men, 15 men. Original muster roll of Lieut. Ballentyne's detachment, March 29, 1860, to July 3, 1860, with original certificate of O. B. Mills, chief justice, B. C., July 3, A. D. 1860.

Capt. G. H. Nelson's company, 75 men, mounted militia, in the service of the United States, October 10, 1857, to December 28, 1857.

Lieut. John Salmon's detachment mounted rangers, 20 men. Original monthly return, the same also being an original muster roll showing the names of the officers and members of said company, May 12, 1860.

Capt. William Tom's company, 54 men. Original muster roll; company organized October 18, 1855. Note: Reference is made to the pay rolls of the companies of Capts. Tom, English, and Tobin, which show the payment of this company.

Original pay roll William Tobin's company, 24 men; Levi English's company, 44 men; William Tom's company, 45 men; James H. Raymond, paymaster. Filed July 30, 1857, and admitted for \$4,394.31.

Capt. James Bourland's first company, 90 men. Original duplicate muster roll Capt. Bourland's first company mounted volunteers, Texas Rangers, October 28, 1858, to January 28, 1859.

Capt. James Bourland's second company, 34 men. Original muster roll Bourland's second company mounted volunteers, State service, January 28, 1859, to April 28, 1859.

T. J. Hale's company, 77 men. Original list of names of officers and members, Texas Rangers, State volunteers, known as Uvalde Rangers, October 12, 1859.

Andrew Herron's company, 37 men. Original muster roll, November 18, 1859, to January 1, 1860. Also accompanying is muster and pay roll of said company from November 18, 1859, to January 1, 1860.

Original muster roll Capt. G. S. Fitzhugh's company, 29 men; Texas Rangers, who served from May 20 to October 20, 1860.

Soon after publication of the circular of August 29, 1908, an old military ledger was discovered in the comptroller's office, which disclosed a new claim of the State of Texas for protection of her frontier against Indians and Mexican marauders, amounting to about \$184,000 in round numbers, and not included in the original claim of \$396,814.89, reimbursed by the United States during the years 1906 and 1908. This ledger and the vouchers pertaining thereto show that the members of the following companies were paid for their services during the latter part of 1859 and the first part of 1860:

Cortina War: Capt. John S. Ford's company, Capt. John Littleton's company, Capt. W. D. Herron's company, Capt. Joe Walker's detachment, Capt. Joe Tomlinson's company, Capt. William Tobin's company, Capt. E. J. Hampton's company.

Indian depredations: Capt. W. C. Dalrymple's company, Capt. Connor's company, Capt. Ed Burleson's company, Capt. T. J. Johnson's company, Capt. N. H. Darnell's company, Capt. White's company, Capt. G. S. Fitzhugh's company, Capt. L. S. Ross's company, Lieut. A. B. Burleson's company, Lieut. Salmon's company, Capt. H. W. Berry's company, Lieut. Dixon Walker's company, Capt. Wm. Fitzhugh's company, Lieut. W. C. Lewis's Minute Men.

The members of the above companies are not now entitled to pensions under the provisions of the pension law, owing to the fact that the United States has not reimbursed the State of Texas for their services, and in order to make title it is necessary to prepare a new claim as shown by the military ledger referred to and present the same to Congress for reimbursement. In order to secure the amount paid by Texas in the protection of the frontier against Indians and Mexican marauders, not included in the original claim paid in 1906 and 1908, the thirty-first legislature at its regular session enacted the following:

"House Concurrent Resolution No. 12.

"Whereas there still exists an unsettled claim of the State of Texas against the United States for protection of her frontier against Indian depredations and Mexican marauders, from February twenty-eighth, eighteen hundred and fifty-five, to December thirty-first, eighteen hundred and sixty, which, on account of not having been discovered until the month of September, nineteen hundred and eight, was not included in the claim of Texas for three hundred and ninety-six thousand eight hundred and fourteen dollars and eighty-nine cents, made up out of the amounts paid out of the several appropriations by the State for protection of her frontier during the period heretofore stated, which sum was reimbursed to the State by act of Congress in the general deficiency bills for the fiscal years nineteen hundred and six and nineteen hundred and eight, as follows: Fifty-ninth Congress in May, nineteen hundred and six, three hundred and seventy-five thousand four hundred and eighteen dollars and ninety-five cents; Sixtieth Congress in May, nineteen hundred and eight, twenty-one thousand three hundred and ninety-five dollars and ninety-five cents; total, three hundred and ninety-six thousand eight hundred and fourteen dollars and eighty-nine cents, this being amount of the claim as originally made by the adjutant-general's department, and submitted under a resolution of Congress to the Secretary of War, in January, nineteen hundred and five.

"Whereas that during the time of the preparation of the said claim, as reimbursed, there was no evidence of record obtainable that more than the sum of one hundred and one thousand four hundred and sixteen dollars and seventy-four cents had been paid out of an appropriation of three hundred thousand dollars made by the seventh legislature of Texas, approved February third, eighteen hundred and sixty, for the protection of the frontier, and owing to that fact, only that amount out of said appropriation was included in the original claim for three hundred and ninety-six thousand eight hundred and fourteen dollars and eighty-nine cents. It was disclosed by a foot-note to the account for payments out of said appropriation of three hundred thousand dollars that the sum of one hundred and ninety-eight thousand three hundred and sixty-eight dollars and eighty-three cents was transferred to a military ledger and afterwards paid out in accordance with an act of the seventh legislature for supplies and pay of State troops called into service in the latter part of the year eighteen hundred and fifty-nine, and the first part of the year eighteen hundred and sixty, by Governor Sam Houston.

"This military ledger was discovered, as heretofore stated, during the month of September, nineteen hundred and eight, as well as the original vouchers covering every entry in said ledger.

"Whereas, As this unsettled claim for the protection of the frontier of this State is clearly established by record evidence in a sum not less than one hundred and eighty-four thousand dollars; therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the governor of the State be, and he is hereby, requested to investigate the above facts, and if he finds them true as stated, then to take such steps as may be necessary to collect the claim, and have the amount so collected placed in the treasury of the State; be it further

Resolved, That no commission or sum of money shall be paid by the State other than the actual expense incurred in the preparation and presentation of the claim, which shall not exceed the sum of two thousand dollars, and that the said claim shall be collected through the adjutant general's department of this State, and the Texas delegation in Congress.

"Approved March 17, 1900."

Under the act of July 27, 1892, it is required that the soldiers must have served at least 30 days in order to be entitled to pensions. Thus it will be seen that some of the Texas Rangers, who served for a shorter period of time than 30 days, may not be entitled to pension unless they served in more than one company, which was frequently the case. From the foregoing statement, however, it appears that all of the companies served over 30 days, with exception of one.

As before stated this law simply extends the provision of the original act of July 27, 1892, to the surviving Texas Rangers and the widows of Texas Rangers, who served during the years 1855 to 1860 inclusive. Under it the Rangers and widows will receive \$8 and \$12 per month respectively, which are maximum pensions allowed to veterans and widows of veterans of the Indian wars. Under this law the pensions, if granted will start from the date of the filing of the application. The law is not retroactive and neither the Rangers nor their widows will receive back pensions from the date of the original act of July 27, 1892. Congress has never passed

retroactive pension laws and all statements appearing in the press to the effect that the Texas Rangers will receive back pay are erroneous.

The officials of the Pension Bureau are anxious to facilitate and aid in every way they can to secure prompt action upon all applications for pension, but in order to prevent fraud they have found it necessary to adopt certain regulations which must be conformed to, and all surviving Rangers and widows of Rangers who make application for pension under this act must be very careful when filling out the application blank to make as few mistakes as possible in dates, as such mistakes invariably entail delay and frequently result in the rejection of the application. Especially should widows be careful to give the correct dates of their marriage and death of their husbands. When discrepancies concerning dates are found in an application it is sometimes quite difficult for the applicant to correct them to the satisfaction of the officials of the Bureau of Pensions.

On application to the adjutant general's department the necessary blanks will be furnished applicants, whose attention is called to the foregoing paragraph of this circular giving instructions for the preparation of the application, which can be mailed to one of the United States Senators or Representatives from Texas, who will no doubt take pleasure in filing it with the Commissioner of Pensions, Washington, D. C.

Under this law all contracts made prior to its passage are canceled.

By order of the governor:

E. M. PHELPS,
Assistant Adjutant General.

CHAPTER 43.

AN ACT Making appropriations for the protection of the frontier.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of three hundred thousand dollars, or so much thereof as may be necessary, out of any money in the treasury not otherwise appropriated, be, and the same is hereby, appropriated for the pay and subsistence of the force which has been or may be called into the service by the governor for the protection of the frontier: *Provided,* That only so much of said appropriation shall be drawn from the treasury from time to time as can be so drawn without leaving a deficit in the amount required of the current revenue from time to time to pay the ordinary current expenses of the government.

SEC. 2. That in case the governor shall find that there is not money enough in the treasury to meet the foregoing appropriation fully as the same may be needed from time to time, or that the amount of said appropriation is not sufficient to carry out the provisions of this act for the protection of the frontier, then in either event he shall cause only such payments to be made in cash as can not be contracted for otherwise; and whenever payments are to be made upon contracts or for services under said act which are not necessary cash demands, such payments shall be made pro rata. It is provided, however, that the indebtedness created under this section shall at no time exceed the sum of two hundred thousand dollars. The comptroller of public accounts shall, under the special direction of the governor, audit and adjust all claims and accounts created under the provisions of this section and certify such adjustment to the party interested, and such accounts shall be paid as may hereafter be provided by law.

SEC. 3. That this act shall take effect from and after its passage.

Approved, February 3, 1860.

THE STATE OF TEXAS, DEPARTMENT OF STATE.

I, C. C. McDonald, secretary of state of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of sections 1, 2, and 3 of chapter 43, acts of the Eighth Legislature of the State of Texas, entitled "An act making appropriations for the protection of the frontier," as the same appears of record in the records of this department in the General Laws of Texas, 1859-60, page 38.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Tex., this the 21st day of June, A. D. 1911.

[SEAL.]

C. C. McDONALD,
Secretary of State.

CHAPTER II.

AN ACT For the protection of the frontier.

Whereas a state of hostilities exists between the people of the State of Texas and various Indian tribes who inhabit the unsettled portions of the State and adjacent territory—bands of said Indians having at various times within the last three years invaded our settlements, murdered our people, and carried off or destroyed their property, so that the frontier settlements are receding before the invaders, and our frontier counties in danger of depopulation; and

Whereas the Federal Government, whose duty it is primarily to protect the State from such hostilities, has not efficiently afforded such protection; and

Whereas we are continually in such imminent danger of being invaded by said hostile Indian tribes, as will not admit of delay: Therefore

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the governor of State be, and he is hereby, authorized to raise and muster into the service of the State a regiment of mounted men, if so many be necessary, consisting of ten companies, or such smaller number as he shall deem sufficient to afford efficient protection to the entire frontier; and one-half of said force, at least, shall be immediately, upon their organization, placed on the frontier, in such manner as to act as spies and minute men, for the protection and defense of the settlements, as the governor may think proper. Each company shall be composed of eighty-three men, rank and file, to be enlisted for the term of twelve months, unless sooner discharged; to be re-enlisted for another term of twelve months, or others taken in their place, at the expiration of the first term of service. The officers of each company to be elected by the men composing the same.

SEC. 2. For the command of the whole of said force the members shall elect a colonel, a lieutenant colonel, and a major; and each company shall have one captain, three lieutenants, four sergeants, and four corporals, and one surgeon; and there shall be selected from each company one of the lieutenants, to act as quartermaster and commissary for said company, with the rank of second lieutenant; and when two or more companies are acting together said lieutenants shall be acting as the commanding officers may direct, as quartermasters, or commissaries, or adjutants; and there shall also be appointed, from among the men, such noncommissioned staff as may be necessary.

SEC. 3. Said officers and men shall provide themselves with arms, horses, and all accouterments and camp equipage; and shall be furnished, at the expense of the State, in provisions, ammunition, medicines, and forage for horses when practicable; and shall receive for their services the following sums: The colonel, one hundred and eighty dollars per month; the lieutenant colonel, one hundred and fifty dollars per month; the major, one hundred and twenty-five dollars per month; the captains, one hundred dollars per month; the first lieutenants, seventy-five dollars per month; the second lieutenants, sixty dollars per month; sergeants, four dollars per month in addition to pay of privates; and corporals, three dollars per month in addition to pay of privates; and privates shall receive twenty-five dollars per month; and commissioned staff officers shall be allowed twenty dollars per month extra to the pay of their rank; and noncommissioned staff officers eight dollars per month in addition to the pay of privates: the surgeon shall be entitled to one hundred and twenty dollars per month, and shall furnish his instruments, but be furnished with medicines.

SEC. 4. The said force shall be employed in ranging and scouting the frontier, from the most eligible point on the Rio Grande to Red River; and their operations shall be entirely under the control of the governor, who shall appoint their proper places of rendezvous and deposit, and direct all arrangements necessary to carry out the intention of this act; and said force shall be subject to the rules and regulations of the Army of the United States; and when in the opinion of the governor their further services are not necessary, may be reduced or disbanded, or if provisions shall be made by the Government of the United States to accept the said force, in the whole or in part, for the protection of the frontier of Texas, it shall be turned over for that purpose.

SEC. 5. That this force shall be raised in such manner as the governor may direct from any portion of the State, and when mustered into service shall take such position on the frontier as they shall be ordered by the governor and shall operate during the time they are in the service of the State under the orders of the governor.

SEC. 6. That this act take effect from its passage.

Approved, January 2, 1860.

THE STATE OF TEXAS, DEPARTMENT OF STATE.

I, C. C. McDonald, secretary of state of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of sections 1, 2, 3, 4, 5, and 6 of Chapter II, Acts of the Eighth Legislature of the State of Texas, entitled "An act for the protection of the frontier," as the same appears of record in the records of this department in the General Laws of Texas, 1859-60, pages 13, 14, and 15.

In testimony whereof I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Tex., this the 21st day of June, A. D. 1911.

[SEAL.]

C. C. McDONALD,
Secretary of State.

CHAPTER 82.

AN ACT Authorizing unpaid warrants on the treasury to bear interest.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That when an account shall hereafter be presented for any demand for which an appropriation has been made, it shall be the duty of the comptroller to audit and allow the claim if legal, and to issue his warrant for the amount, and if there be no money in the treasury to pay the demand, then the comptroller shall issue his warrant upon the treasury for the amount, with ten per centum per annum interest from date, which warrant shall be countersigned by the governor, and shall be numbered and indorsed by the treasurer.

SEC. 2. That it shall be the duty of the treasurer on the first day of July, anno Domini eighteen hundred and sixty, and every six months thereafter, to advertise in three papers in different parts of the State, for presentment of any such warrants as are mentioned in the first section of this act, in order of their dates and numbers, and after the expiration of sixty days from such notice said warrants not presented shall cease to draw interest. Said warrants shall not circulate as money, but may be assigned.

SEC. 3. That this act take effect and be in force from and after its passage.

Approved, February 14, 1860.

THE STATE OF TEXAS, DEPARTMENT OF STATE.

I, C. C. McDonald, secretary of state of the State of Texas, do hereby certify that the attached and foregoing is a true and correct copy of sections 1, 2, and 3 of chapter 82, acts of the Eighth Legislature of the State of Texas, entitled "An act authorizing unpaid warrants on the treasury to bear interest," as the same appears of record in the records of this department in the General Laws of Texas, 1859-60, pages 115 and 116.

In testimony whereof, I have hereunto signed my name officially and caused to be impressed hereon the seal of State at my office in the city of Austin, Tex., this the 21st day of June, A. D. 1911.

[SEAL.]

C. C. McDONALD,
Secretary of State.

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